CLASSIFICATION OFFICE DECISION

Title of publication: IMG_3293 d.wmv

Other known title(s): Not stated

OFLC ref: 1400991.002

Medium: Computer Moving Image File

Director: Not applicable

Country of origin: Not stated

Language: Not applicable

Applicant: The High Court of Auckland

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 10 February 2015

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	**Running time**
Timed component(s):	IMG_3293 d.wmv	1:48
Total running time:		1:48

Summary of reasons for decision:

The computer moving image file consists of a short clip that explicitly depicts a man having sex with a woman. The question of whether the file promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes has been considered. The woman's age is impossible to determine because she is not visible. Therefore, the moving image

file does not meet this criterion. However, the material is intended for the purpose of sexual arousal and is likely to have a negative effect on the development of sexual behaviour and attitudes of young viewers.

The New Zealand Bill of Rights Act 1990 has been considered in the application of the criteria of the Films, Videos, and Publications Classification Act 1993 to this publication. The classification places a limit on the freedom of expression, but the availability of the moving image file to children and young people is likely to be injurious to the public good. Restricting the publication to adults is the lowest limitation on the right to freedom of expression required to avoid injury to the public good.